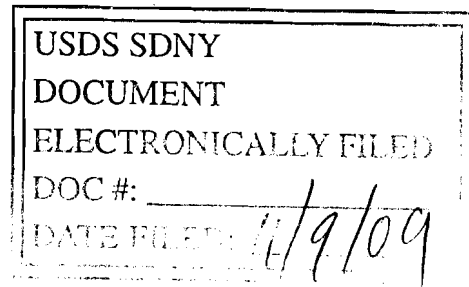


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



JIRI PIK,

Plaintiff,

-against-

09 Civ. 972 (CM)(GWG)

GOLDMAN SACHS GROUP,

Defendant.
_____x

ORDER

McMahon, J.:

The above-captioned action was dismissed for failure to prosecute on September 18, 2009. The action was on for an initial pre-trial conference on that date; the plaintiff failed to appear, although he was advised three months earlier, on June 19, 2009 – after he missed the first scheduled initial conference – that he would be required to appear, at least by telephone. Plaintiff, who is proceeding pro se, was also told that he had to serve process (which was already overdue) before the September 18 conference. Finally, Mr. Pik was directed to communicate with the court in the future by sending his communications, by mail, to the court's Pro Se Office; he was specifically told not to send faxes and emails to chambers. Mr. Pik did none of the above, so the court dismissed the case.

The court denied a request for an extension that was received via a fax to chambers on September 23, 2009.

It appears from the docket sheet that process was finally served in this case, but only after it had been dismissed. A return of service indicates that service was effected on October 8, 2009, three weeks after dismissal.

On November 9, 2009, the court received another fax from Mr. Pik, belatedly seeking leave to reargue something – I assume the dismissal of his case for failure to prosecute. Mr. Pik excuses his lateness in making this "motion" (which, under our local rules, was due 10 days after entry of the original order) by citing "technical issues" associated with his "exile" in Switzerland. He claims it takes four to six weeks for mail from the court to be forwarded to him in Switzerland, so he did not receive the court's September 23 refusal to grant him an extension until recently. That is not the court's problem. If a person files a lawsuit in this court, he is expected to give the court an address where he can be reached in a timely manner – which is to say, within two or three days via first class mail. Mr. Pik's preferred means of communication – email and fax – is not a permissible means for a pro se plaintiff to communicate with the court,

and his reliance on the delay in forwarding of his mail, coupled with his refusal to provide the court with his address "in exile," is of a piece with the various excuses he made for many months about why he could not serve process or appear in court (which, if I recall correctly, involved his being held as a political prisoner in a London hospital for some months).

The court has no intention of reconsidering its dismissal of this action for failure to prosecute, nor do I intend to permit Mr. Pik to continue to ignore the rules applicable to pro se litigants – rules that he thinks have nothing to do with him.

Defendant is advised that the case was dismissed for failure to prosecute prior to service's being effected. No answer is due. The matter is closed.

The time to take an appeal from the dismissal of this case has already expired. If plaintiff seeks leave to file an untimely appeal from the order dismissing the case, he must do so by sending (by first class mail) his request to the Pro Se Office (not directly to chambers). As Mr. Pik was advised back in June, the court will pay no attention to any emails or faxes he sends directly to chambers. We will throw away any faxes that are sent to chambers. I have instructed my staff to delete any emails that may appear without opening them; we will treat them as spam. *Nothing further that is received by Mr. Pik's unofficial modes of communication will be entered on the court's docket.*

The clerk of the court is directed to close this file once again.

Dated: November 9, 2009



U.S.D.J.

BY FIRST CLASS MAIL TO:

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